

# State Intellectual Property Office of People's Republic of China

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Applicant	Kabushiki Kaisha Kobe Seiko Sho (Kobe Steel, Ltd)	Issuing Date:  May 12, 2006
Patent Agent	Huimin WANG	
Application No.	03822601.4	
Title of Invention	伸線前の熱処理が省略可能な伸線加工性に優れた熱間圧延線材	

## FIRST OFFICE ACTION

(For PCT Application Entering the National Phase)

1. ☒ The applicant has filed a request for substantive examination on \_\_\_\_\_ (day/month/year). The examiner has carried out substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to carry out a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:  
The filing date 2002.9.26 in the Japan Patent Office as the priority date,  
The filing date 2003.7.30 in the Japan Patent Office as the priority date, and  
The filing date \_\_\_\_\_ in the \_\_\_\_\_ Patent Office as the priority date.
3. ☐ The following amended document(s) submitted by the applicant is (are) unacceptable, as the document(s) is(are) not in conformity with the provisions of Article 33 of the Chinese Patent Law:
- ☐ The Chinese translation of the annexes of the International Preliminary Examination Report,  
☐ The Chinese translation of the amendment submitted under Article 19 of the Patent Cooperation Treaty,  
☐ The Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty,  
☐ The amendment submitted in accordance with Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable is described in the text of this office action.
4. ☐ The examination was carried out based on the Chinese translation of the international application as originally filed.
- ☒ The examination was carried out on the basis of the following application documents:
- ☒ The description  
Pages 1-21, the Chinese translation of the international application as originally filed;  
Pages \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Pages \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Pages \_\_\_\_\_, amendment submitted according to Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☒ The claims

Nos. 1-7, the Chinese translation of the international application as originally filed;

Nos. \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 19 of the Patent Cooperation Treaty.

Nos. \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Nos. \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Nos. \_\_\_\_\_, amendment submitted according to Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☒ The drawings

Pages 1-3, the Chinese translation of the international application as originally filed;

Pages \_\_\_\_\_, the Chinese translation of the annexes of the International Preliminary Examination Report;

Pages \_\_\_\_\_, the Chinese translation of the amendment submitted under Article 28 or 41 of the Patent Cooperation Treaty;

Pages \_\_\_\_\_, amendment submitted according to Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☒ The drawings of the abstract: filed on April 20, 2005.

5. ☒ The following reference documents have been cited in this office action (their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document( Number or Title)	Publication Date (or Filing date of interference patent applications)
1	CN1366555A	28 day 08 month 2002 year
2		day month year
3		day month year
4		day month year

6. The result of the examination is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope on which no patent right shall be granted as provided by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 or 19 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim \_\_\_\_\_ falls into the scope within which no patent right shall be granted as provided by Article 25 of the Chinese Patent Law

☒ Claim 1, 3-6 does not possess novelty as provided by Article 22(2) of the Chinese Patent Law.

Law. ☒ Claim 2 does not possess inventiveness as provided by Article 22(3) of the Chinese Patent

☐ Claim \_\_\_\_\_ does not possess practical applicability as provided by Article 22(4) of the Chinese Patent Law.

☒ Claim 1, 5 is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.

☒ Claim 1, 3-6 is not in conformity with the provisions of Rule 20 of the Implementing Regulations of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 21 of the Implementing Regulations of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 23 of the Implementing Regulations of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.

☐ Claim \_\_\_\_\_ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.

☐

The detail analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner holds that:

☐ The applicant should make amendments as required in the text of this office action.

☒ The applicant should provide reasons for that the above mentioned patent application can be granted the patent right, and make amendments to the specification which is not in conformity with the provisions as described in text of this office action; otherwise the patent right shall not be granted.

☐ The patent application does not possess any substantive patentable contents, if the applicant fails to provide reasons or the reasons provided are not sufficient, this application will be rejected.

☐

8. ☐ The applicant's attention is drawn to the following matters:

(1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the receipt of this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to be withdrawn.

(2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amended documents shall be submitted in duplicate and in the format required by the relevant provisions of the Examination Guideline.

(3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. Documents which are not mailed or submitted to the Receiving Department do not possess legal effect.

(4) The applicant and/or his (its) agent shall not come to the Chinese Patent Office for interview with the examiner without an appointment.

9. The text of this office action consists of a total of 3 sheets, and is accompanied by the following annexes:

☒ A copy of cited reference documents consisting of 1 set(s) and 20 sheet(s).

☐

The \_\_\_\_\_ Examination Department

The Seal of the Examiner: Limin PANG

## Text Portion of the First Office Action

The present application relates to a hot-rolled wire rod excelling in wire drawability and enabling avoiding heat treatment before wire drawing. Upon examination, the examiner provides the following comments:

1. Claim 1 seeks to protect a hot-rolled wire rod excelling in wire drawability and enabling avoiding heat treatment before wire drawing. D1 (CN1366555A) (see, Sample No. I in Table 1 on page 8 and Table 2 on page 10 of the specification) discloses a hot-rolled steel wire rod comprising 0.82% by weight of C, 0.25% by weight of Si, 0.74% by weight of Mn, 0.010% by weight of P, 0.010% by weight of S, 0.026% by weight of Al, 0.004% by weight of N, 0.0007% by weight of O, and 0.17% by weight of Cr, and the area ratio of pearlite structure is 90%. The description about the components of the wire rod in said Claim 1 uses an open type, therefore, the wire rod components and structures of Claim 1 are completely disclosed by the abovementioned solution of D1. Furthermore, the diameter is more than 5mm in the abovementioned solution of D1. Though Claim 1 also describes the mechanical properties of said wire rod with 4 m in length, but these performance parameters cannot be compared with the prior art which is D1, and there are no evidences showing that these performance parameters make said wire rod of Claim 1 different from that of D1. Therefore, Claim 1 does not possess the novelty specified by Art. 22(2) of the Chinese Patent Law. (Moreover, the novelty of Claim 1 is affected by Samples Nos. C, D, F, and J-N in Table 1 on page 8 and in Table 2 on page 10 of the specification of D1; the inventive steel Nos. 18-26, 29-33, 38, and 39, and control steel Nos. 40-44 in Tables 5 and 6 on pages 19 and 20 of specification of CN1126501A. The reasons are similar as above.)

*(Note: The following is a quotation of Art. 22(2) of the Chinese Patent Law:*

*Novelty means that, before the date of filing, no identical invention or utility model has been publicly disclosed in publications in the country or abroad or has been publicly used or made known to the public by any other means in the country, nor has any other person filed previously with the Patent Administration Department Under the State Council an application which described the identical invention or utility model and was published after the said date of filing.)*

2. Claim 2 further defines the average diameter of nodules in said pearlite structure in claim 1. However, the smaller particle diameter of the pearlite is, the more toughness strength and the better drawability of the wire rod can be obtained, which is well known by a person skilled in the art, thus, it is easy for a person skilled in the art to expect that the diameter of nodules in the pearlite structure is made as small as possible by the existing relative processes, thereby the drawability of the wire rod being improved. Therefore, combined with the abovementioned comment about Claim 1, Claim 2 does not possess inventiveness specified by Art. 22(3) of the Chinese Patent Law.

*(Note: The following is a quotation of Art. 22(3) of the Chinese Patent Law:*

*Inventiveness means that, as compared with the technology existing before the date of filing, the invention has prominent substantive features and represents a notable progress....)*

3. Claim 3 further defines Claim 1, but the additional technical feature thereof, that is "Cr: 0.3% or less", is also disclosed in Sample No. I of D1. Thus, combined with the abovementioned comment about Claim 1, Claim 3 does not possess the novelty specified by Art. 22(2) of the Chinese Patent Law, either. (Moreover, the novelty of Claim 3 may be affected by the inventive steel Nos. 20-23, 25, 26, 29, 31, 38, and 39, and control steel Nos. 41-44 in Tables 5 and 6 on pages 19 and 20

of specification of CN1126501A. The reasons are similar as above.)

4. Claim 4 seeks to protect a hot-rolled wire rod. D1 also discloses a hot-rolled wire rod (see, the Sample No. N in Table 1 on page 8 and Table 2 on page 10 of the specification), which comprises 0.82% by weight of C, 0.20% by weight of Si, 0.74% by weight of Mn, 0.006% by weight of P, 0.004% by weight of S, 0.030% by weight of Al, 0.007% by weight of N, 0.0007% by weight of O, and 0.05% by weight of Nb, and the area ratio of pearlite structure is 90%. The description about the components of the wire rod in the Claim 1(*sic*) uses an open type, therefore, the wire rod components and structures of Claim 4 are completely disclosed by the abovementioned solution of D1. Furthermore, the diameter is more than 5mm in the abovementioned solution of D1. Though Claim 4 also describes the mechanical properties of said wire rod with 4 m in length, but these performance parameters cannot be compared with the prior art which is D1, and there are no evidences showing that these performance parameters make said wire rod of Claim 4 different from that of D1. Therefore, Claim 4 does not possess the novelty specified by Art. 22(2) of the Chinese Patent Law.
5. Claim 5 further defines Claim 1, but the additional technical feature thereof, that is “N is controlled to 0.01% or less”, is also disclosed in Sample No. I of D1. Thus, combined with the abovementioned comment about Claim 1, Claim 5 does not possess the novelty specified by Art. 22(2) of the Chinese Patent Law, either. (Moreover, the novelty of Claim 5 may be affected by Samples Nos. C, D, F, and I-N in Table 1 on page 8 and in Table 2 on page 10 of the specification of D1. The reasons are similar as above.)
6. Claim 6 further defines Claim 1, but the additional technical feature thereof, that is “Al: 0.05% or less”, is also disclosed in Sample I of D1. Thus, combined with the abovementioned comment about Claim 1, Claim 3 (*sic*) does not possess the novelty specified by Art. 22(2) of the Chinese Patent Law, either. (Moreover, the

novelty of Claim 6 may be affected by Samples Nos. D, F, and J-N in Table 1 on page 8 and in Table 2 on page 10 of the specification of D1; and the inventive steel Nos. 18-26, 29-33, 38, and 39, and control steel Nos. 40-44 in Tables 5 and 6 on pages 19 and 20 of specification of CN1126501A. The reasons are similar as above.)

7. Claim 1 is not supported by the specification, thereby does not comply with Art. 26(4) of the Chinese Patent Law.

The subject in Claim 1 describes “a hot-rolled wire rod”, only C and the like alloy elements are described in the components thereof, and it does not describe Fe element. Therefore, it can be understood depending on the content of Claim 1 solely that the wire rod is of any material. However, all the content of specification describe “steel wire rod” only, therefore, Claim 1 is not supported by the specification.

*(Note: The following is a quotation of Art. 26(4) of the Chinese Patent Law:*

*The claims shall be supported by the description and shall state extent of the patent protection asked for.)*

8. There are the following defects in Claims 1, 3-5 which cause the protect scopes thereof unclear or non-concise, thereby do not meet the provision of Rule 20(1) of the Implementing Regulations of the Chinese Patent Law.

Parentheses appear in “(mass%, the followings are same)” in Claim 1;

Parentheses appear in “(excluding zero)” in Claim 3 and 4, respectively;

The expression “further” in Claims 5 and 6 should be amended as “further comprises” or other appropriately expression.

The expression “N is controlled to 0.01% or less” appears in Claims 5 which does not define including 0% or not. Since “(excluding zero)” are annotated for “or less” which is described in the above Claims, it is easy to apprehend that 0% is

contained in the value range of Claim 5. However, when N is 0%, the protect scope of Claim 5 is completely the same as Claim 1, resulting in the protect scope of Claim 5 is non-concise.

*(Note: The following is a quotation of Rule 20(1) of the Implementing Regulations of the Chinese Patent Law:*

*The claims shall define clearly and concisely the matter for which protection is sought in terms of the technical features of the invention or utility model.)*

9. Since the protect scope of Claim 5 when the content of N is 0% is completely the same as Claim 1, therefore, Claim 5 does not possess the novelty specified by Art. 22(2) of the Chinese Patent Law, either. (The reason is same as the comment about Claim 1.)

Based on the above reasons, the present application cannot be granted as is. The applicant should make a response within the time limit appointed in this Notification, and reply one by one to the comments provided in this Notification, and amend the application documents as necessary. Otherwise, it is difficult for the application to be granted. The amendments to the application documents made by the applicant should comply with the provisions of Article 33 of the Patent Law, i.e. any amendments should not go beyond the scope of disclosures contained in the initial description and claims.





# 中华人民共和国国家知识产权局

邮政编码: 100083 北京市海淀区王庄路 1 号清华同方科技大厦 B 座 15 层 中科专利商标代理有限责任公司 汪惠民	发文日期 
申请号: 038226014 	
申请人: 株式会社神户制钢所	
发明创造名称: 可省略拉丝前的热处理的热丝加工性优良的热轧线材	

## 第一次审查意见通知书

(进入国家阶段的 PCT 申请)

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以在:  
JP 专利局的申请日 2002 年 09 月 26 日为优先权日,  
JP 专利局的申请日 2003 年 07 月 30 日为优先权日,  
专利局的申请日 年 月 日为优先权日。
- ☐ 申请人于 年 月 日提交的修改文件, 不符合专利法实施细则第 51 条的规定。  
☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定。  
☐ 国际初步审查报告附件的中文译文。  
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。  
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。  
☐
- ☐ 审查是针对原始提交的国际申请的中文译文进行的。  
☒ 审查是针对下述申请文件进行的:  
☒ 说明书 第 1-21 页, 按照原始提交的国际申请文件的中文译文;  
第 页, 按照国际初步审查报告附件的中文译文;  
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。  
☐  
☒ 权利要求 第 1-7 项, 按照原始提交的国际申请文件的中文译文;  
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文。  
第 项, 按照国际初步审查报告附件的中文译文;  
第 项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;  
第 项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。  
☐  
☒ 附图 第 1-3 页, 按照原始提交的国际申请文件的中文译文;  
第 页, 按照国际初步审查报告附件的中文译文;  
第 页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;  
第 页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。



☒ 2005 年 4 月 20 日提交的摘要附图

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN1366555A	2002-08-28

5. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
- ☐ 说明书不符合专利法第 33 条的规定。
- ☐ 说明书的撰写不符合专利法实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☒ 权利要求 1, 3 - 6 不具备专利法第 22 条第 2 款规定的新颖性。
- ☒ 权利要求 2 不具备专利法第 22 条第 3 款规定的创造性。
- ☐ 权利要求 4 不具备专利法第 22 条第 4 款规定的实用性。
- ☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
- ☒ 权利要求 1, 5 不符合专利法第 26 条第 4 款的规定。
- ☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
- ☐ 权利要求 不符合专利法第 33 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
- ☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
- ☒ 权利要求 1, 3 - 6 不符合专利法实施细则第 20 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 21 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 22 条的规定。
- ☐ 权利要求 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

7. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和 / 或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和 / 或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 3 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 1 份 20 页。

审查员: 庞立敏 (B408)

2006 年 4 月 17 日



审查部门

材料审查部

21302  
2002.8



回函请寄: 100088 北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收  
(注: 凡寄给审查员个人的信函不具有法律效力)

## 第一次审查意见通知书正文

申请号：038226014

本申请涉及一种可省略拉丝前的热处理的热轧加工性优良的热轧线材。经审查，现提出如下审查意见。

权利要求1要求保护一种可省略拉丝前的热处理的热轧加工性优良的热轧线材，对比文件1（参见说明书第8页表1、第10页表2中的样品I）中公开了一种热轧钢线材，其含有（wt%）：0.82%C，0.25%Si，0.74%Mn，0.010%P，0.006%S，0.026%Al，0.004%N、0.0007%O和0.17%Cr，珠光体的面积比为90%，该权利要求1中描述线材成分采用的是开放式写法，因此，该权利要求1的线材成分及组织结构完全被对比文件1的上述方案所公开，并且对比文件1的上述方案中直径大于5mm。虽然权利要求1中还记载了4m长的线材的机械性能，但这些性能参数无法与现有技术即对比文件1进行比较，也没有证据表明这些性能参数使得该权利要求1所述线材与对比文件1所述线材之间存在区别，因此，该权利要求1不具备专利法第二十二条第二款规定的新颖性。（此外，对比文件1说明书第8页表1、第10页表2中的样品C、D、F、J—N，CN1126501A说明书第19、20页表5、6中的本发明钢18—26、29—33、38、39、对比钢40—44也能影响权利要求1的新颖性，理由与上述类似）

权利要求2对权利要求1中珠光体组织中的平均球团直径作了进一步限定，但珠光体粒径越小，强度韧性越高，线材的拉丝性能也越好，这是本领域普通技术人员所熟知的，因此本领域普通技术人员很容易想到通过现有的相关方法使得珠光体的球团直径尽可能小，从而提高线材的拉丝性能，因此，结合上述对权利要求1的评述，权利要求2不具备专利法第二十二条第三款规定的创造性。

权利要求3对权利要求1作了进一步限定，其附加技术特征“Cr：0.3%以下”也在对比文件1的样品I中公开，因此，结合上述对权利要求1的评述，该权利要求3也不具备专利法第二十二条第二款规定的新颖性。（此外，CN1126501A说明书第19、20页表5、6中的本发明钢20—23、25、26、29、31、38、39、对比钢41—44也能影响权利要求3的新颖性，理由与上述类似）

权利要求4要求保护一种热轧线材，对比文件1中也公开了一种热轧线材，（参见说明书第8页表1、第10页表2中的样品N）中公开了一种热轧钢线材，其含有（wt%）：0.82%C，0.20%Si，0.74%Mn，0.006%P，0.004%S，0.030%Al，0.007%N、0.0007%O和0.05%Nb，珠光体的面积比为90%，该权利要求1中描述线材成分采用的是开放式写法，因此，该权利要求4的线材成分及组织结构完全被对比文件1的上述方案

所公开，并且对比文件1的上述方案中直径大于5mm。虽然权利要求4中还记载了4m长的线材的机械性能，但这些性能参数无法与现有技术即对比文件1进行比较，也没有证据表明这些性能参数使得该权利要求4所述线材与对比文件1所述线材之间存在区别，因此，该权利要求4不具备专利法第二十二条第二款规定的新颖性。

权利要求6对权利要求1作了进一步限定，其附加技术特征“A1: 0.05%以下”也在对比文件1的样品I中公开，因此，结合上述对权利要求1的评述，该权利要求3也不具备专利法第二十二条第二款规定的新颖性。（此外，对比文件1说明书第8页表1、第10页表2中的样品D、F、J—N，CN1126501A说明书第19、20页表5、6中的本发明钢18—26、29—33、38、39、对比钢40—44也能影响权利要求6的新颖性，理由与上述类似）

权利要求1和5没有以说明书为依据，不符合专利法第二十六条第四款的规定：

权利要求1中的主题记载了“热轧线材”，其成分也仅记载了C等合金元素，而并未记载Fe元素，因此仅根据权利要求1的内容可以将其理解为任何材料的线材，但说明书的全部内容都仅仅记载了“钢线材”，因此该权利要求1没有以说明书为依据；

权利要求5中的技术特征“Ni: 抑制在0.01%以下”与说明书第7页的相应记载“N: 0.01%以下”不一致。（如果申请人将权利要求5中的“Ni”修改为“N”，对比文件1说明书第8页表1、第10页表2中的样品C、D、F、I—N将影响该权利要求5的新颖性）

权利要求1、3—6中存在下述问题，导致其保护范围不清楚、简明，不符合专利法实施细则第二十条第一款的规定：

权利要求1中的“(质量%，下同)”出现了括号；

权利要求1第9行出现了句号，而一项权利要求仅允许在结尾处使用句号；

权利要求3和4中分别出现了“(不包括0%)”，其中出现了括号；

权利要求5、6中出现的“进而，……”语句不通顺，申请人可以考虑将其修改为“进而包括”或其它符合要求的撰写方式；

权利要求5出现了“Ni: 抑制在0.01%以下”，未注明是否包括0%，由于上文中记载的“……以下”均注明了“不包括0%”，因此很容易将该权利要求5的数值范围理解为包括0%，则当Ni含量为0时该权利要求5的保护范围与权利要求1完全相同，导致该权利要求5的保护范围不简明。

由于当Ni的含量为0时权利要求5的保护范围与权利要求1完全相同，因此权利要求5也不具备专利法第二十二条第二款规定的新颖性。（理由同对权利要求1的评述）

基于上述理由，本申请按照目前的文本是不能被授予专利权的。申请人应当在本通知书指定的答复期限内作出答复，对本通知书提出的问题逐一进行答复，必要时修改专利申请文件，否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。

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